

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Official Action dated 11 August 2004. Responsive to the rejections made in the Official Action, Claim 1 has been amended to clarify the combination of elements that form the invention of the subject Patent Application. Additionally, Claim 3 has been cancelled by this Amendment Claims 4 and 5 have been amended to change the dependency thereof.

In the Official Action, the Examiner rejected Claims 1 and 2 under 35 U.S.C. § 103(a), as being unpatentable over Bredacts, U.S. Patent 6,457,891. However, the Examiner kindly indicated that Claims 3-5 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As the Examiner recognized, the Bredacts reference neither discloses nor suggests a cosmetic container which includes a brush arranged on a top of the rotating body, as was defined in Claim3 and now incorporated in amended Claim 1.

Therefore, as the reference fails to disclose or suggest the combination of elements that form the invention of the subject Patent Application, the reference can neither anticipate nor make obvious the invention of the subject Patent

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Application, as now defined in amended Claim 1. Thus, it is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
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A handwritten signature in cursive script, reading "David I. Klein".

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